

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 474

Introduced by Assembly Member Jones

February 15, 2011

~~An act to amend Section 39510 of the Health and Safety Code, relating to air pollution.~~ *An act to amend Section 44015 of the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 474, as amended, Jones. ~~State Air Resources Board. Vehicles: inspections: smog-check: transfer of ownership certificates.~~

Existing law establishes a motor vehicle inspection and maintenance (smog-check) program, administered by the Department of Consumer Affairs and the State Air Resources Board, which provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law requires the Department of Motor Vehicles to require, upon initial registration, and upon transfer of ownership and registration, of a motor vehicle, and upon registration of a motor vehicle previously registered outside this state that is subject to those provisions, a valid certificate of compliance or a certificate of noncompliance, as appropriate, with respect to smog certification. Existing law specifies that a certificate of compliance or noncompliance is valid for 90 days, except as provided.

This bill would extend the period during which a certificate of compliance or noncompliance is valid to 180 days.

~~Existing law establishes in the California Environmental Protection Agency the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law. Existing law requires the state board to consist of 11 members appointed based on certain qualifications.~~

~~This bill would make technical, nonsubstantive changes to those provisions relating to the membership of the state board.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44015 of the Health and Safety Code is
2 amended to read:
3 44015. (a) A licensed smog check station shall not issue a
4 certificate of compliance, except as authorized by this chapter, to
5 ~~any~~ a vehicle that meets the following criteria:
6 (1) A vehicle that has been tampered with.
7 (2) A vehicle identified pursuant to subparagraph (K) of
8 paragraph (3) of subdivision (b) of Section 44036. A vehicle
9 identified pursuant to subparagraph (K) of paragraph (3) of
10 subdivision (b) of Section 44036 shall be directed to the department
11 to determine whether an inadvertent error can explain the
12 irregularity, or whether the vehicle otherwise meets smog check
13 requirements, allowing the certificate for compliance to be issued,
14 or the vehicle shall be reinspected by a referee or another smog
15 check station.
16 (3) A vehicle that, prior to repairs, has been initially identified
17 by the smog check station as a gross polluter. Certification of a
18 gross polluting vehicle shall be conducted by a designated test-only
19 facility, or a test-and-repair station that is both licensed and
20 certified pursuant to Sections 44014 and 44014.2.
21 (4) A vehicle described in subdivision (c).
22 (b) If a vehicle meets the requirements of Section 44012, a smog
23 check station licensed to issue certificates shall issue a certificate
24 of compliance or a certificate of noncompliance.
25 (c) (1) A repair cost waiver shall be issued, upon request of the
26 vehicle owner, by an entity authorized to perform referee functions
27 for a vehicle that has been properly tested but does not meet the

1 applicable emission standards when it is determined that no
2 adjustment or repair can be made that will reduce emissions from
3 the inspected motor vehicle without exceeding the applicable repair
4 cost limit established under Section 44017 and that every defect
5 specified by paragraph (2) of subdivision (a) of Section 43204,
6 and by paragraphs (2) and (3) of subdivision (a) of Section 43205,
7 has been corrected. A repair cost waiver issued pursuant to this
8 paragraph shall be accepted in lieu of a certificate of compliance
9 for the purposes of compliance with Section 4000.3 of the Vehicle
10 Code. ~~No~~ A repair cost waiver shall *not* exceed two years' duration.
11 ~~No~~ A repair cost waiver shall *not* be issued until the vehicle owner
12 has expended an amount equal to the applicable repair cost limit
13 specified in Section 44017.

14 (2) An economic hardship extension shall be issued, upon
15 request of a qualified low-income motor vehicle owner, by an
16 entity authorized to perform referee functions, for a motor vehicle
17 that has been properly tested but does not meet the applicable
18 emission standards when it is determined that no adjustment or
19 repair can be made that will reduce emissions from the inspected
20 motor vehicle without exceeding the applicable repair cost limit,
21 as established pursuant to Section 44017.1, that every defect
22 specified in paragraph (2) of subdivision (a) of Section 43204, and
23 in paragraphs (2) and (3) of subdivision (a) of Section 43205, has
24 been corrected, that the low-income vehicle owner would suffer
25 an economic hardship if the extension is not issued, and that all
26 appropriate emissions-related repairs up to the amount of the
27 applicable repair cost limit in Section 44017.1 have been
28 performed.

29 (d) ~~No~~ A repair cost waiver or economic hardship extension
30 shall *not* be issued under any of the following circumstances:

31 (1) If a motor vehicle was issued a repair cost waiver or
32 economic hardship extension in the previous biennial inspection
33 of that vehicle. A repair cost waiver or economic hardship
34 extension may be issued to a motor vehicle owner only once for
35 a particular motor vehicle belonging to that owner. However, a
36 repair cost waiver or economic hardship extension may be issued
37 for a motor vehicle that participated in a previous waiver or
38 extension program prior to January 1, 1998, as determined by the
39 department. For waivers or extensions issued in the program

operative on or after January 1, 1998, a waiver or extension may be issued for a motor vehicle only once per owner.

(2) Upon initial registration of all of the following:

(A) A direct import motor vehicle.

(B) A motor vehicle previously registered outside this state.

(C) A dismantled motor vehicle pursuant to Section 11519 of the Vehicle Code.

(D) A motor vehicle that has had an engine change.

(E) An alternate fuel vehicle.

(F) A specially constructed vehicle.

(e) Except as provided in subdivision (f), a certificate of compliance or noncompliance shall be valid for ~~90~~ 180 days.

(f) Excluding ~~any~~ a vehicle whose transfer of ownership and registration is described in subdivision (d) of Section 4000.1 of the Vehicle Code, and except as otherwise provided in Sections 4000.1, 24007, 24007.5, and 24007.6 of the Vehicle Code, a licensed motor vehicle dealer shall be responsible for having a smog check inspection performed on, and a certificate of compliance or noncompliance issued for, every motor vehicle offered for retail sale. A certificate issued to a licensed motor vehicle dealer shall be valid for a two-year period, or until the vehicle is sold and registered to a retail buyer, whichever occurs first.

(g) A test may be made at any time within 90 days prior to the date otherwise required.

SEC. 2. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) Except as otherwise provided in subdivision (b), (c), or (d) of this section, or subdivision (b) of Section 43654 of the Health and Safety Code, the department shall require upon initial registration, and upon transfer of ownership and registration, of ~~any~~ a motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, a valid certificate of compliance or a certificate of noncompliance, as appropriate, issued in accordance with Section 44015 of the Health and Safety Code.

(b) With respect to new motor vehicles certified pursuant to Chapter 2 (commencing with Section 43100) of Part 5 of Division 26 of the Health and Safety Code, the department shall accept a statement completed pursuant to subdivision (b) of Section 24007 in lieu of the certificate of compliance.

1 (c) For purposes of determining the validity of a certificate of
2 compliance or noncompliance submitted in compliance with the
3 requirements of this section, the definitions of new and used motor
4 vehicle contained in Chapter 2 (commencing with Section 39010)
5 of Part 1 of Division 26 of the Health and Safety Code shall control.

6 (d) Subdivision (a) does not apply to a transfer of ownership
7 and registration under any of the following circumstances:

8 (1) The initial application for transfer is submitted within the
9 ~~90-day~~ 180-day validity period of a smog certificate as specified
10 in Section 44015 of the Health and Safety Code.

11 (2) The transferor is the parent, grandparent, sibling, child,
12 grandchild, or spouse of the transferee.

13 (3) A motor vehicle registered to a sole proprietorship is
14 transferred to the proprietor as owner.

15 (4) The transfer is between companies the principal business of
16 which is leasing motor vehicles, if there is no change in the lessee
17 or operator of the motor vehicle or between the lessor and the
18 person who has been, for at least one year, the lessee's operator
19 of the motor vehicle.

20 (5) The transfer is between the lessor and lessee of the motor
21 vehicle, if there is no change in the lessee or operator of the motor
22 vehicle.

23 (6) The motor vehicle was manufactured prior to the 1976
24 model-year.

25 (7) Except for diesel-powered vehicles, the transfer is for a
26 motor vehicle that is four or less model-years old. The department
27 shall impose a fee of eight dollars (\$8) on the transferee of a motor
28 vehicle that is four or less model-years old. Revenues generated
29 from the imposition of that fee shall be deposited into the Vehicle
30 Inspection and Repair Fund.

31 (e) The State Air Resources Board, under Part 5 (commencing
32 with Section 43000) of Division 26 of the Health and Safety Code,
33 may exempt designated classifications of motor vehicles from
34 subdivision (a) as it deems necessary; and shall notify the
35 department of that action.

36 (f) Subdivision (a) does not apply to a motor vehicle ~~when~~ if an
37 additional individual is added as a registered owner of the motor
38 vehicle.

39 (g) For purposes of subdivision (a), ~~any~~ a collector motor
40 vehicle, as defined in Section 259, is exempt from those portions

1 of the test required by subdivision (f) of Section 44012 of the
2 Health and Safety Code; if the collector motor vehicle meets all
3 of the following criteria:

4 (1) Submission of proof that the motor vehicle is insured as a
5 collector motor vehicle, as shall be required by regulation of the
6 bureau.

7 (2) The motor vehicle is at least 35 model-years old.

8 (3) The motor vehicle complies with the exhaust emissions
9 standards for that motor vehicle's class and model year as
10 prescribed by the department; and the motor vehicle passes a
11 functional inspection of the fuel cap and a visual inspection for
12 liquid fuel leaks.

13 ~~SECTION 1. Section 39510 of the Health and Safety Code is~~
14 ~~amended to read:~~

15 ~~39510. (a) The State Air Resources Board is continued in~~
16 ~~existence in the California Environmental Protection Agency. The~~
17 ~~state board shall consist of 11 members.~~

18 ~~(b) The members shall be appointed by the Governor, with the~~
19 ~~consent of the Senate, on the basis of their demonstrated interest~~
20 ~~and proven ability in the field of air pollution control and their~~
21 ~~understanding of the needs of the general public in connection~~
22 ~~with air pollution problems. Six members shall have the following~~
23 ~~qualifications:~~

24 ~~(1) One member shall have training and experience in~~
25 ~~automotive engineering, or closely related fields.~~

26 ~~(2) One member shall have training and experience in chemistry,~~
27 ~~meteorology, or related scientific fields, including agriculture or~~
28 ~~law.~~

29 ~~(3) One member shall be a physician and surgeon, or an~~
30 ~~authority on health effects of air pollution.~~

31 ~~(4) Two members shall be public members.~~

32 ~~(5) One member shall have the qualifications specified in~~
33 ~~paragraph (1), (2), or (3), or shall have experience in the field of~~
34 ~~air pollution control.~~

35 ~~(c) Five members shall be board members from districts who~~
36 ~~shall reflect the qualitative requirements of subdivision (b) to the~~
37 ~~extent practicable. Of these five members, one shall be a board~~
38 ~~member from the south coast district, one shall be a board member~~
39 ~~from the bay district, one shall be a board member from the San~~
40 ~~Joaquin Valley Unified Air Pollution Control District, or, if the~~

1 unified district is abolished, from the San Joaquin Valley Air
2 Quality Management District if created pursuant to Section 5 of
3 Chapter 915 of the Statutes of 1994, one shall be a board member
4 from the San Diego County Air Pollution Control District, and
5 one shall be a board member of another district.

6 (d) A vacancy shall be filled by the Governor within 30 days
7 of the date on which it occurs. If the Governor fails to make an
8 appointment for a vacancy within the 30-day period, the Senate
9 Committee on Rules may make the appointment to fill the vacancy
10 in accordance with this section.

11 (e) While serving on the state board, all members shall exercise
12 their independent judgment as officers of the state on behalf of the
13 interests of the entire state in furthering the purposes of this
14 division. No member of the state board shall be precluded from
15 voting or otherwise acting upon a matter solely because that
16 member has voted or acted upon the matter in his or her capacity
17 as a member of a district board, except that no member of the state
18 board who is also a member of a district board shall participate in
19 an action regarding his or her district taken by the state board
20 pursuant to Sections 41503 to 41505, inclusive.

21 (f) Notwithstanding subdivision (e) of Section 1 of Chapter
22 1201 of the Statutes of 1991, this section shall become operative
23 on January 1, 1994.